0THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.25348 OF 2000

ORAL ORDER:

This writ petition is filed seeking a declaration that the alleged action of the respondents in attempting to evict the petitioner from the land admeasuring Ac.7.02 cents situated in Sy.No.1249 at Poolla village, Shivar of M.M.Puram village, Bheemadole mandal, West Godavari District as arbitrary and illegal.

The fact that the land in question admeasuring Ac.7.02 cents is the Government land is not disputed by the petitioners. However, it is stated that having acquired about 100 acres of land in and around the said Ac.7.02 cents of land long back, the petitioners have been in continuous possession and enjoyment of the same for the past several years carrying on aqua culture in the entire land. It is claimed that having regard to their long possession, they are entitled for regularization of their possession by grant of assignment and, therefore, the respondents are not justified in seeking to dispossess them.

Though *Rule nisi* was ordered by this Court on 20.12.2000 and interim direction was granted not to dispossess the petitioners from the land in question, no counter-affidavit has been filed by any of the respondents and the interim order continued to be in operation throughout.

Having heard the learned counsel for the petitioners and in view of the uncontradicted averments in the writ petition, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to dispossess the petitioners from Ac.7.02 cents of land which is the subject-matter of this writ petition, without following due process of law. However, it is made clear that so far as aqua culture being carried on by the petitioners is concerned, it is open to the respondents to take appropriate action in accordance with the

directions issued by the Division Bench of this Court in MADIREDDY PADMA RAMBABU v. DISTRICT FOREST OFFICER, KAKINADA (2002(1) ALD 728 (DB).

It is also open to the petitioners to make a representation before the competent authority for grant of pattas in respect of the land in question on payment of market value, in which event, the same shall be considered in accordance with law.

The writ petition is accordingly disposed of. No costs.

5.10.2007.

Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.25348 OF 2000

5th October, 2007.

Between:

P. Seetha Rama Raju and others. .. Petitioners.

And

State of A.P., represented by Collector,
West Godavari District at Eluru and another. ..
Respondents.